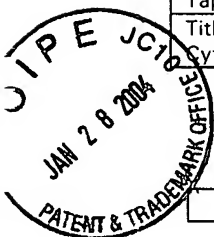


TRANSMITTAL LETTER			Case No. 11472/11
Serial No. N/A 10/720,603	Filing Date November 24, 2003	Examiner N/A	Group Art Unit N/A
Inventor(s) Tapas K Das Gupta et al.			
Title of Invention Cytotoxic Factors For Modulating Cell Death			



TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Information Disclosure Statement, PTO Form 1449 and return postcard.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a _____ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

					Small Entity		or	Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus			x \$9 =			x \$18 =	
Indep.		Minus			x 43 =			x \$86 =	
First Presentation of Multiple Dep. Claim					+ \$145 =			+ \$290 =	
					Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

John Murray
 John Murray, Ph.D.
 Registration No. 44,251
 Attorney for Applicant
 Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, ILLINOIS 60610
 (312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:
 Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 23, 2004.

Date: Jan 23, 2004 Signature: John Murray

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS

P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

on January 23, 2004

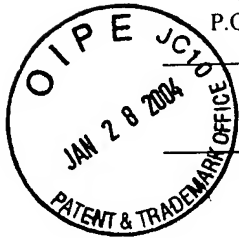
Date of Deposit

John Murray

Name of applicant, assignee or
Registered Representative

John Murray
Signature

January 23, 2004
Date of Signature



Our Case No. 11472/11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tapas K Das Gupta *et al.*

Serial No.: ~~Not assigned~~ 10/720,603

Filing Date: November 24, 2003

For: Cytotoxic Factors For Modulating
Cell Death

Examiner: Not assigned

Group Art Unit No.: Not Assigned

INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS
P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on the attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is believed to be filed before the mailing of the first Office Action on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

This application claims benefit of provisional application Attorney Reference Number 11472/5, filed August 15, 2003, and is a continuation-in-part of U.S. Patent Application Serial Number 10/047,710 which claims benefit of provisional application U.S. Ser. No. 60/269,133, filed Feb. 15th, 2001. These prior provisional applications are relied upon for an earlier filing dated under 35 U.S.C. § 119. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the following documents are not enclosed because they were supplied with an Information Disclosure Statement filed for U.S. Patent Application Serial Number 10/047,710:

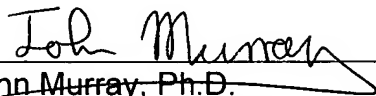
U.S. 5789389 Aug 4, 1998 Tarasewicz
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Zaborina, O. <i>et al.</i> , Microbiology 146: 2521-2530 (2000)

Kirn, David H. <i>et al.</i> , The Journal of Clinical Investigation, vol. 105, No. 7, 837-839 (2000)
Sznol, Mario <i>et al.</i> , vol. 105, No. 8, 1027-1030 (2000)
Pawelek, John H. <i>et al.</i> , Cancer Research, vol. 57, 4537-4544 (1997)
Potera, Carol, ASM News, vol. 66, No. 6 (2000)
Alexandroff, Anton B. <i>et al.</i> , The Lancet, vol. 353, 1689-1694 (May 15, 1999)
O'Donnell, Michael A., Tibtech, vol. 15, 512-517 (December 1997)
Paglia, Paola <i>et al.</i> , Cancer Immunol. Immunother., 46:88-92 (1998)
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L. H. Dang <i>et al.</i> , Proc. Nat. Acad. Sci. USA, 98, 15155-15160 (2001)
R. K. Jain and N. S. Forbes, Proc. Natl. Acad. Sci. USA, 98, 14748-14750 (2001)
A. W. Confer and Janet A. Durham, Am. J. Res., vol. 53, no. 5, pp 646-52 (1992)
T. Wu <i>et al.</i> , Antimicrobial Agents and Chemotherapy, vol. 44, no. 5, pp 1200-08 (May 2000)
PCT International Application No. PCT/US02/01408 – International Search Report
M. Kukimoto <i>et al.</i> , FEBS Letters, 394, pp 87-90 (1996)
F. Cutruzzola <i>et al.</i> , J. Inorganic Chemistry, 88, pp 353-61 (2002)
L. M. Murphy <i>et al.</i> , J. Mol. Biol., 315, pp 859-71 (2002)
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M. Goto <i>et al.</i> , Mol. Bio., 47(2), pp 549-559 (2003)
V. Punj <i>et al.</i> , Biochemical and Biophysical Research Communications, vol. 312, pp. 109-14 (2003)
Vasu Punj <i>et al.</i> , Oncogene 2003 – Proof copy

If, for any reason, the Examiner feels that an interview would be helpful to resolve any issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

Date: January 23, 2004


John Murray, Ph.D.
Registration No. 44,251
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200



FORM PTO-1449	SERIAL NO. 10/720/603 Not Assigned	CASE NO. 11472/11
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE November 24, 2003	GROUP ART UNIT
(use several sheets if necessary)		APPLICANT(S): Das Gupta et al.

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS		
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	U.S. 5789389	Aug 4, 1998	Tarasewicz		Mar 17, 1995

FOREIGN PATENT DOCUMENTS						
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	A2	Zaborina, O. <i>et al.</i> , Infect. Immun. 67: 5231-5242 (1999)
	A3	Melnikov, A. <i>et al.</i> , Mol. Microbiol. 36: 1481-1493 (2000)
	A4	Punj, V. <i>et al.</i> , Infect. Immun. 68: 4930-4937 (2000)
	A5	Zaborina, O. <i>et al.</i> , Microbiology 146: 2521-2530 (2000)
	A6	Kirn, David H. <i>et al.</i> , The Journal of Clinical Investigation, vol. 105, No. 7, 837-839 (2000)
	A7	Sznol, Mario <i>et al.</i> , vol. 105, No. 8, 1027-1030 (2000)
	A8	Pawelek, John H. <i>et al.</i> , Cancer Research, vol. 57, 4537-4544 (1997)
	A9	Potera, Carol, ASM News, vol. 66, No. 6 (2000)
	A10	Alexandroff, Anton B. <i>et al.</i> , The Lancet, vol. 353, 1689-1694 (May 15, 1999)
	A11	O'Donnell, Michael A., Tibtech, vol. 15, 512-517 (December 1997)
	A12	Paglia, Paola <i>et al.</i> , Cancer Immunol. Immunother., 46:88-92 (1998)
	A13	Hunter, Christopher A. <i>et al.</i> , The Journal of Immunology, 166: 5878-5881 (2001)
	A14	L. H. Dang <i>et al.</i> , Proc. Nat. Acad. Sci. USA, 98, 15155-15160 (2001)
	A15	R. K. Jain and N. S. Forbes, Proc. Natl. Acad. Sci. USA, 98, 14748-14750 (2001)
	A16	A. W. Confer and Janet A. Durham, Am. J. Res., vol. 53, no. 5, pp 646-52 (1992)
	A17	T. Wu <i>et al.</i> , Antimicrobial Agents and Chemotherapy, vol. 44, no. 5, pp 1200-08 (May 2000)
	A18	PCT International Application No. PCT/US02/01408 – International Search Report
	A19	M. Kukimoto <i>et al.</i> , FEBS Letters, 394, pp 87-90 (1996)
	A20	F. Cutruzzola <i>et al.</i> , J. Inorganic Chemistry, 88, pp 353-61 (2002)
	A21	L. M. Murphy <i>et al.</i> , J. Mol. Biol., 315, pp 859-71 (2002)
	A22	V Punj & A. M. Chakrabarty, Cellular Microbiology, 5(4), pp 225-31 (2003)
	A23	T Yamada <i>et al.</i> , PNAS, Vol. 99, no. 22, pp 14098-103 (2002)
	A24	T. Yamada <i>et al.</i> , Infection & Immunity, vol. 70, no. 12, pp 7054-62 (2002)
	A25	M. Goto <i>et al.</i> , Mol. Bio., 47(2), pp 549-559 (2003)
	A26	V. Punj <i>et al.</i> , Biochemical and Biophysical Research Communications, vol. 312, pp. 109-14 (2003)
	A27	Vasu Punj <i>et al.</i> , Oncogene 2003 – Proof copy

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.